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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,313	11/17/2003	Keith A. Thuerk	BOC9-2003-0033 (402)	5100
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AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			EXAMINER GOODCHILD, WILLIAM J	
			ART UNIT	PAPER NUMBER
			2445	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/715,313	Applicant(s) THUERK, KEITH A.	
	Examiner WILLIAM J. GOODCHILD	Art Unit 2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/24/08 has been entered.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 6-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landon et al., "Deploying Lotus Sametime on the eServer iSeries Server", Redbooks, June 2002, (hereinafter Landon), and further in view of Pabla et al., (US Publication No. 2004/0064693), (hereinafter Pabla).

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Regarding claim 1 Landon discloses providing a collaborative computing system comprising at least one instant messaging client [Landon, page 2, 1.1, page 65, figure 3-46, Sametime Connect for the desktop, Exchange messages with AOL Instant Messenger users], the collaborative computing system including presence awareness features that automatically detect online entities that are logged into the collaborative computing system [Landon, page 9, 1.3.3, Sametime Connect client, 4th paragraph, 'Both versions of the Sametime Connect client contain a presence list or buddy list that provides an entry point to all collaborative activities in Sametime. This buddy list can display the name of any user in the Sametime community that is online']; initializing said instant message client within a graphical user interface of said collaborative computing system [Landon, page 136, 5.2.1]; establishing at least one customizable search limitation for a search engine, [Landon, page 10, section 1.3.3 "Sametime Connect client", 8th paragraph, "Sametime Connect also includes privacy features that can prevent selected users from seeing you or contacting you when you are online"] said search limitation preventing users other than user belonging to a predetermined class of users from accessing data records pertaining to one or more predetermined online entities and preventing selected users from receiving data indicating an online presence of one or more predetermined online entities [Landon, page 10, section 1.3.3 "Sametime Connect client", 8th paragraph, "Sametime Connect also includes privacy features that can prevent selected users from seeing you or contacting you when you are online"];

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receiving a search initializing action from said graphical user interface [Landon, page 201, Creating a buddy list and group];

responsive to said receiving step, presenting search input fields within said graphical user interface [Landon, page 201, figure 6-7];

receiving input via said input fields that specifies a search pattern [Landon, page 201, figure 6-7 and Creating a buddy list and group];

displaying a search result from said searching step within said graphical user interface [Landon, page 201, step 2];

selecting at least one of the online entities displayed in the search result [Landon, page 9, 1.3.3, Sametime Connect client, 4th paragraph, 'Both versions of the Sametime Connect client contain a presence list or buddy list that provides an entry point to all collaborative activities in Sametime. This buddy list can display the name of any user in the Sametime community that is online', page 136, 5.2.1, Sametime Connect for the desktop and 5.2.2, Sametime Connect for Web browsers];

establishing a software-enhanced communication including at least one communication other than instant messaging related communications between a user of the instant messaging client and the selected online entity [Landon, page 9, 1.3.3, Sametime Connect client, 4th paragraph, 'Both versions of the Sametime Connect client contain a presence list or buddy list that provides an entry point to all collaborative activities in Sametime. This buddy list can display the name of any user in the Sametime community that is online', page 136, 5.2.1, Sametime Connect for the desktop and

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5.2.2, Sametime Connect for Web browsers, Figures 5-7 and 5-8 show 'Meeting' on the GUI, see sections 5.6 and 5.7 for Meeting Scheduling and tools].

Landon does not specifically disclose subject to said at least one search limitation, searching at least one record source for online entities that satisfy said search pattern using the presence awareness features. However, Pabla in the same field of endeavor discloses search or query the instant messaging distributed index of presence information to discover the presence of other participating peers [Pabla, paragraphs 114 and 139]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate searching a large list of presence users in a communication environment in order to efficiently locate a user or group of users pertaining to the searchers requirements.

Regarding claim 6, Landon further discloses establishing a plurality of user specific search patterns; and recording said search patterns so that said search patterns can be retrieved at a later time [Landon, page 126, 1st paragraph and figure 4-22, Search filters].

Regarding claim 7, Landon further discloses said record source comprises a first database that is a record source specifying at least one online entity and a second database having a data field, wherein said data field specifies an attribute relating to said online entity that is not specified within said first database, said searching step

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further comprising the steps of: establishing a query that includes said data field; and searching for at least one online entity using said query [Landon, page 126, figure 4-22, field search filter for resolving person or groups and table 4-5].

Regarding claim 8, Landon further discloses specifying a plurality of record sources, each of which specifies at least one online entity, wherein said searching step further comprises searching said plurality of record sources for online entities that satisfy said search pattern [Landon, page 120, table 4-2, Description of Field "Host Name or IP address of the LDAP server"].

Regarding claim 9, Landon further discloses establishing at least one search preference that is used when performing said searching step, wherein said search result is based at least in part upon said search preference [Landon, page 122, table 4-3, Field 'People'].

Regarding claim 10, Landon further discloses establishing an order in which said record sources are accessed during said searching step [Landon, page 120, table 4-2, Field "Position of this server in the search order"].

Regarding claim 11, Landon further discloses directly executing at least one software-enhanced communication involving said online entity and a user of said graphical user interface using said search result [Landon, page 9, 1.3.3, 4th and 5th paragraphs].

Regarding claim 12, Landon-Pabla further discloses establishing at least one customizable search limitation for a search engine, [Landon, page 10, section 1.3.3 “Sametime Connect client”, 8th paragraph, “Sametime Connect also includes privacy features that can prevent selected users from seeing you or contacting you when you are online”], said search limitation preventing users other than users belonging to a predetermined class of users from accessing data records pertaining to one or more predetermined online entities and from preventing selected users receiving data indicating an online presence of one or more predetermined online entities [Landon, page 10, section 1.3.3 “Sametime Connect client”, 8th paragraph, “Sametime Connect also includes privacy features that can prevent selected users from seeing you or contacting you when you are online”];

receiving a user specified search pattern [Landon, page 125, #'s 11-12];

subject to said at least one search limitation, searching by the search engine a point of presence database for online entities having access to a collaboration software application which satisfy said search pattern [Landon, page 3, 1.2.3, page 126, figure 4-22 and table 4-5], the collaborative software application including presence awareness features [Pabla, paragraphs 114 and 139] that automatically detect online entities that are logged into the collaborative computing system [Landon, page 9, 1.3.3, Sametime Connect client, 4th paragraph, ‘Both versions of the Sametime Connect client contain a presence list or buddy list that provides an entry point to all collaborative activities in

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Sametime. This buddy list can display the name of any user in the Sametime community that is online'];

presenting a list of said resulting online entities [Landon, page 126, 1st paragraph];

receiving a selection of at least one of said resulting online entities contained within said list [page 126, 1st paragraph]; and

establishing a software-enhanced communication session including at least one communication other than instant messaging related communications between said user and said selected online entity [Landon, page 9, 1.3.3, Sametime Connect client, 4th paragraph, 'Both versions of the Sametime Connect client contain a presence list or buddy list that provides an entry point to all collaborative activities in Sametime. This buddy list can display the name of any user in the Sametime community that is online', page 136, 5.2.1, Sametime Connect for the desktop and 5.2.2, Sametime Connect for Web browsers, Figures 5-7 and 5-8 show 'Meeting' on the GUI, see sections 5.6 and 5.7 for Meeting Scheduling and tools].

Regarding claim 13, Landon further discloses displaying a graphical user interface for an instant messaging component of said collaboration software application [Landon, page 151, figure 5-28], wherein said graphical user interface provides a user selectable search option; receiving a user selection for said search option [Landon, page 201]; and responsively presenting search input fields within said graphical user interface, wherein said search pattern is based upon data input into said search input fields [Landon, page 201, input box].

Regarding claim 14, Landon further discloses said software-enhanced communication session includes a type of communication other than instant messaging [Landon, page 150, 5.5 – page 151].

3. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landon-Pabla as applied to claims 1 and 19 above, and further in view of Berger et al., (US Publication No. 2004/0267887), (hereinafter Berger).

Regarding claim 3, Landon-Pabla does not specifically disclose said search initializing action comprises at most two user inputs. However, Berger in the same field of endeavor, discloses an option for searching for ‘additional contact options’ [Berger, paragraph 33]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate search options with default settings in order to reduce the number of required entries by the user.

Regarding claim 4, Landon-Pabla-Berger further discloses displaying a menu option within said graphical user interface for said instant message client, wherein said menu option is configured to initiate said search view [Berger, paragraph 33].

Regarding claim 5, Landon-Pabla-Berger further discloses providing a keyboard combination to initiate said search view, whereby said keyboard combination is a hot-

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key combination [Berger, paragraph 35, 'or selecting a designated key from the data processing device's keyboard'].

Response to Arguments

4. Applicant's arguments filed 11/24/2008 have been fully considered but they are not persuasive.

A – Applicant argues “It is noted that instant meeting is considered an instant messaging type or related communication. Although page ix, Preface, 1st paragraph, of Landon discloses that Sametime offers instant messaging, application sharing, and virtual meetings all in one simple tool, Landon does not disclose that all these communications are initiated from the instant messaging GUI”.

A – Landon discloses establishing a Meeting [Landon, page 136, Section 5.2.1, see figure 5-7], including Whiteboard, Audio and Video [Landon, page 150-161, Sections 5.5 and 5.6] directly from the IM GUI [Landon, page 136, Section 5.2.1, see figure 5-7]. Additionally, the claim limitation does not specify that the communication must be from the IM GUI, only that the IM user is capable of communication other than IM from the Collaborative tool, as shown in the sections above, Meeting is accessed directly from the IM GUI though.

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B – Applicant argues “As indicated in paragraph [0008] of the Specification of the instant application, conventional Lotus Sametime (TM) type applications lack the online entity search capability of the present invention, especially the ability to establish customizable search limitations for the search engine. It is noted that a name is not a search limitation, but rather a search criterion or search input. ... This has nothing to do with establishing search limitations, especially search limitations preventing selected users from receiving data indicating an online presence of certain predetermined online entities”.

B – Landon discloses a customizable search limitation preventing selected user from receiving data indicating an online presence of certain predetermined online entities [Landon, pages 9-10, Section 1.3.3, “Sametime Connect also includes privacy features that can prevent selected users from seeing you or contacting you when you are online”].

Conclusion

Examiner’s Note: Examiner has cited particular paragraphs / columns and line numbers in the reference(s) applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing

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responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the cited passages as taught by the prior art or relied upon by the examiner.

Should applicant amend the claims of the claimed invention, it is respectfully requested that applicant clearly indicate the portion(s) of applicant's specification that support the amended claim language for ascertaining the metes and bounds of applicant's claimed invention

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM J. GOODCHILD whose telephone number is (571)270-1589. The examiner can normally be reached on Monday - Friday / 8:00 AM - 4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrice Winder/
Primary Examiner, Art Unit 2445

WJG
01/22/2009